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A. Jeter Bragg

WT Docket No. 94-147

Date: December 28, 1998

(202) 628-4888

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:) WT DOCKET No.: 94-147
)
JAMES A. KAY, JR.)
)
Licensee of one hundred fifty)
two Part 90 licenses in the)
Los Angeles, California area.)

Courtroom 1, Room A-363
The Portals Building
445 12th Street, S.W.
Washington, D.C.

Monday,
December 28, 1998

The parties met, pursuant to the notice of the
Judge, at 9:00 a.m.

BEFORE: HON. JOSEPH CHACHKIN
 Chief Administrative Law Judge

APPEARANCES:

On behalf of James A. Kay, Jr.:

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On behalf of the Federal
Communications Commission:

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Paul Oei	1344	1359	1377	1379	
Graig Sobel	13877	1426	1442 1449	1447	

Hearing Began: 9:00 a.m.

Hearing Ended: 12:25 p.m.

1 P R O C E E D I N G S

2 CHIEF JUDGE CHACHKIN: You have another witness?

3 MR. KNOWLES-KELLETT: First witness today is Paul
4 Oei from the Los Angeles field office.

5 CHIEF JUDGE CHACHKIN: Mr. Oei, would you step
6 forward, please?

7 Whereupon,

8 PAUL OEI

9 having been first duly sworn, was called as a witness
10 herein, and was examined and testified as follows:

11 CHIEF JUDGE CHACHKIN: Please be seated.

12 DIRECT EXAMINATION

13 BY MR. KNOWLES-KELLETT:

14 Q Good morning. Would you please state your name
15 and business address for the record?

16 A Paul Oei, 18000 Studebaker Road, Room 660,
17 Salinas, California.

18 Q Could you just spell Oei for the record?

19 A O-E-I.

20 Q Okay, just like it sounds. Okay, Mr. Oei, is
21 there any reason that you're not able to give your best
22 testimony today, such as you're on medication or any other
23 reason?

24 A No.

25 CHIEF JUDGE CHACHKIN: There's really no need to

1 ask those questions, unless somebody raises -- it's not
2 customary to ask that.

3 MR. KNOWLES-KELLETT: Okay, thank you, Your Honor.

4 BY MR. KNOWLES-KELLETT:

5 Q If I ask you a question this morning that's
6 unclear, please let me know and I'll clarify, okay. I'm not
7 asking you to guess what I mean by my question. Where are
8 you employed, Mr. Oei?

9 A At the FCC's Los Angeles office.

10 Q Okay, please describe your title and job duties
11 for the record?

12 A My title is electronics engineer.

13 Q And, what are your duties?

14 A Interference resolution and investigations.

15 Q Okay, please describe your educational background?

16 A I have an electronic -- excuse me, electrical
17 engineering degree from Cal State, Los Angeles.

18 Q Okay, and any specialized training that you went
19 through in order to perform your job?

20 A I went through a five-month training course with
21 the FCC.

22 Q Please describe what that training course
23 involved?

24 A This was in Norfolk, Virginia and it consisted of
25 about 11 people in a classroom setting, listening to

1 speakers, FCC employees, a little bit of hands on
2 experience, inspections, direction finding.

3 Q When did you go through this training?

4 A August of 1990.

5 Q Any specialized on-the-job training after that?

6 A If I accompanied other engineers, that would be
7 considered training?

8 Q If it was designated as training, I'm interested
9 in that?

10 A I think it's regular, normal practice for new
11 engineers to accompany more seasoned engineers in case work.

12 Q Okay. How long have you worked at your current
13 job?

14 A Well, since 1990.

15 Q Okay. Where did you learn to inspect Part 90
16 stations?

17 A On the job, in the L.A. office.

18 Q I'd like you to turn your attention to WTB Exhibit
19 291. I think the book in front of you is open to that
20 exhibit. Do you recognize that document?

21 A Yes.

22 Q Okay, can you describe what that document is?

23 A This summarizes the findings that I and a few
24 other agents in the L.A. office conducted in regards to Mr.
25 Kay's licenses, stations and mountain tops.

1 Q So, when did you perform the inspection
2 encompassed by this report?

3 A April through June of '97.

4 Q Okay, and how many stations did you inspect? You
5 can ballpark it.

6 A I think there were about 150 licenses.

7 Q Right. And, how many sites were inspected?

8 A I'd say around 16 mountain tops.

9 Q And, did you inspect any other sites than the
10 mountain tops?

11 A At Mr. Kay's office.

12 Q Could you describe a typical, conventional station
13 operated by Mr. Kay?

14 A Mr. Kay would have a transmitter, receiver, up at
15 a mountain top. Its purpose is to be a repeater, that is,
16 to relay traffic from mobile units and automatically
17 rebroadcast that signal at a different frequency and higher
18 power.

19 Q Okay, what other equipment would you find in a
20 typical, conventional station, other than the transmitter
21 itself?

22 A Filters, antennas, power amplifiers.

23 Q Okay.

24 A Combiners.

25 Q How would this differ if it were a trunk station

1 as opposed to conventional station?

2 A Well, a trunk system would require multiple
3 transmitters, whereas a conventional is usually just one.
4 And, they would be interconnected together.

5 Q Would it require multiple antennae?

6 A Not necessarily.

7 Q How would you avoid the use of multiple antennae?

8 A Combiners.

9 Q When you inspected these stations, what procedure
10 did you follow?

11 A Starting from the very beginning, requesting
12 inspections?

13 Q That would be great.

14 A Well, these were not typical inspections that we
15 did, because they were -- we were told to inspect it from
16 you, the Wireless Bureau, and so they were not random. We
17 were told to give him warning. We would request to inspect
18 a particular mountain top. We were to give him two days
19 notice. We were -- we followed him up to the mountain top.
20 We provided access. He opened all the doors and locks.

21 We asked them, where's the radio for this license,
22 this frequency, he would identify it? We would momentarily
23 turn off the transmitter, connect our meters, frequency
24 counters, power meters, key up the transmitter, make
25 frequency power measurements, put the equipment back

1 together, and note down the results in an inspection form.

2 Q Okay. And, then, what did you do with those
3 inspection forms when you returned back to the office?

4 A That was information used to make this exhibit,
5 this table.

6 Q You made this table?

7 A Yes.

8 Q I'd like to show the witness 401 through 439, and
9 I'll just note it for the record. Could you just read that
10 for the record?

11 A "All stations and records of stations in these
12 services shall be made available for inspection at any
13 reasonable time or at any time while the station is in
14 operation, upon reasonable request of an authorized
15 representative of the Commission."

16 Q Excuse me. Now, in addition to inspecting the
17 stations, did you inspect the records and some of the roles?

18 A Yes.

19 Q Did he have all the station authorizations that
20 were quite visible?

21 A I believe so.

22 Q With respect to the maintenance logs, what
23 condition were the maintenance logs in?

24 A Those were in poor condition. Sometimes he didn't
25 have them.

1 Q Okay, could you describe what information he did
2 have in the maintenance logs?

3 A We wanted to find out what maintenance logs would
4 be available for any particular station, and he said he kept
5 it, he'd organize it in that manner. He doesn't have it
6 based on call sign.

7 Q Can you describe what he did have?

8 A He showed us samples of invoices, of billings.
9 The billings did not have any call signs associated with it.
10 Doesn't have any record of what was done, so it didn't seem
11 like that was organized.

12 Q Can you describe what information was on these
13 invoices?

14 A I believe it was just hours and monetary amounts.
15 And, maybe mountain top sites.

16 Q Okay, so you couldn't tell what maintenance had
17 been performed or when particular transmitters were
18 installed?

19 MR. SHAINIS: Objection, leading the witness.

20 CHIEF JUDGE CHACHKIN: Sustained. Am I correct
21 that there's no issue concerning the manner in which the
22 licensee kept his records?

23 MR. KNOWLES-KELLETT: You are correct, Your Honor,
24 however there are inferences we'd like to --

25 CHIEF JUDGE CHACHKIN: Well, I just wanted to make

1 sure there was no such issue in the proceeding.

2 MR. KNOWLES-KELLETT: Right. We think that the
3 loading records are at issue, however, the station records
4 are not particularly at issue. And, but that's not relevant
5 --

6 CHIEF JUDGE CHACHKIN: As far as I know, the only
7 rule dealing with records is 90.445, is that correct, the
8 90.439?

9 MR. KNOWLES-KELLETT: It's our view, Your Honor,
10 that loading rules required him to substantiate which
11 records --

12 CHIEF JUDGE CHACHKIN: Well, you'll have to show
13 me what rule was violated by the manner in which he kept his
14 records.

15 MR. KNOWLES-KELLETT: Right, we're not citing for
16 a 443 violation. That's not at issue.

17 CHIEF JUDGE CHACHKIN: Okay.

18 BY MR. KNOWLES-KELLETT:

19 Q I would like you to turn your attention to page
20 eight of 22 in the exhibit in front of you in the black
21 notebook, WTB Exhibit 291. Please look for the entry for
22 WIK 896.

23 A I see it.

24 Q Okay. With respect to the Upland site on WIK 896,
25 can you describe what you found at that site?

1 A Based on this table, there was no transmitter
2 measurements made. There's no entry for it and there's a
3 footnote -- number six.

4 Q Can you tell us what Footnote 6 means?

5 A Footnote 6 meant that, I believe, on the first day
6 of our inspections, which was at Mr. Kay's office, we went
7 through a whole list of call signs and stations and he told
8 us that certain stations were not constructed, and that's
9 what six would mean.

10 Q Did you visit the Upland site, do you know?
11 That's Sunset Peak, I think.

12 A Yes.

13 MR. KNOWLES-KELLETT: Can we stipulate that Upland
14 is Sunset?

15 MR. KELLER: Pardon me?

16 MR. KNOWLES-KELLETT: Can we stipulate that Upland
17 on this report refers to Sunset Peak?

18 MR. KELLER: Yes.

19 BY MR. KNOWLES-KELLETT:

20 Q Okay, did you visit the Upland site?

21 A Yes.

22 Q And, did you find a transmitter there?

23 A No.

24 Q Do you recall investigating an interference
25 complaint by Jim Doering?

1 A Yes.

2 Q Can you describe what you found on that
3 investigation? Describe the complaint and what you found on
4 the investigation?

5 A Mr. Doering had complained to the FCC that Mr. Kay
6 was at his office, rebroadcasting one signal, or more than
7 one signal, into another, onto another frequency.

8 Q Can you describe what you found when you
9 investigated it?

10 A We went to Mr. Kay's office.

11 Q We begin who?

12 A Another former agent.

13 Q Okay.

14 A And, using direction-finding techniques, verified
15 that he was rebroadcasting signals onto another frequency.

16 Q Can you describe the equipment found at Mr. Kay's
17 office?

18 A I believe it was a control station. Usually a
19 station with a microphone, you key it, and it would send a
20 radio signal up to a repeater.

21 Q And, was it configured in any abnormal way?

22 MR. SHAINIS: Objection, leading the witness.

23 CHIEF JUDGE CHACHKIN: Sustained.

24 BY MR. KNOWLES-KELLETT:

25 Q Can you describe how that particular control

1 station was configured?

2 A When we requested to make the inspection and we
3 were led into the room where the radio was in, normally a
4 microphone would be attached to a radio. And, in this
5 particular case, the microphone was not attached to it in
6 its place of another wire, like a telephone jack.

7 (Pause.)

8 Q I'm going to ask --

9 MR. SHAINIS: We're going to be asking to look at
10 his notes.

11 MR. KNOWLES-KELLETT: Notes, so I'm just handing
12 them to him.

13 MR. SHAINIS: When were the notes made?

14 MR. KNOWLES-KELLETT: Recently, I'd say.

15 BY MR. KNOWLES-KELLETT:

16 Q I'm going to ask you to look at your notes. Okay,
17 I'm sorry.

18 CHIEF JUDGE CHACHKIN: What purpose are you asking
19 for?

20 MR. KNOWLES-KELLETT: Basically, we think that
21 Your Honor could take judicial notice of the distances
22 between Kay's licensed sites. However, you know, it's like
23 the hours of the day.

24 MR. KELLER: Which sites are we talking about
25 specifically here, because we might be willing to stipulate?

1 MR. KNOWLES-KELLETT: Basically, what we're
2 talking about are the sites that are less than 40 miles
3 apart and that's 64.4 kilometers.

4 MR. KELLER: You're talking about all sites?

5 MR. KNOWLES-KELLETT: Yes, between the sites that
6 he inspected.

7 MR. KELLER: I don't know that we can stipulate to
8 that.

9 MR. KNOWLES-KELLETT: I think that you can't until
10 you check them. I think it's very much like the hours of
11 the day. We ask that you calculate the distance between
12 coordinates on the map and what I'm going to ask him to do
13 is run through those sites and it's going to take about one
14 minute, Your Honor.

15 CHIEF JUDGE CHACHKIN: All right.

16 BY MR. KNOWLES-KELLETT:

17 Q Mr. Oei, of the sites you inspected, not including
18 Mr. Kay's office, is it correct I asked you to calculate the
19 distance between the various sites?

20 A Yes.

21 Q Could you briefly explain how you went about
22 performing those calculations?

23 A Well, the long data was obtained from Mr. Kay's
24 licenses. I used that data to input into a computer program
25 at the office and that calculates the distance between one

1 location versus another.

2 Q Okay, just to be clear, on the first page of these
3 notes, can you describe what appears from the notes? The
4 notes are in the record. I take it back, Your Honor. I'd
5 like to strike that question.

6 Could you just describe which of Kay's sites are
7 less than 64.4 kilometers from each other? Where there's a
8 distance of less than 64.4 kilometers between sites? In the
9 rules, it talks about for loading purposes, certain things
10 are 40 miles --

11 MR. KELLER: The question was which of these sites
12 are within 40 miles of each other. It would be a chain
13 reaction -- I'm not sure I understand the question.

14 MR. KNOWLES-KELLETT: I think the question --

15 CHIEF JUDGE CHACHKIN: Is there an objection?

16 MR. KELLER: I guess not. The record will be
17 unclear.

18 THE WITNESS: The first page here says the
19 calculations for one. I've written down Wilson and so that
20 means from Wilson to all the other mountain tops is the
21 distance listed under the column Distance. So, Wilson is
22 16.41 kilometers away from Lukens. Based on that, you could
23 also say Wilson is over 64 kilometers from Sunset, Oat,
24 Sierra, Loop, Hollywood, Johnstone I and Johnstone II, Monte
25 Nido.

1 BY MR. KNOWLES-KELLETT:

2 Q And, just to clarify, these are the things that
3 are closer than 64.4 kilometers to Wilson, is that correct?

4 A Correct.

5 Q Okay, what other sites?

6 A On the next page, there's a calculation --

7 Q I ask that you, because the notes are not in
8 record, could you just describe, based on your calculations,
9 which sites are not, without referring to the documents, if
10 you would?

11 A Okay, Lukens is less than 64 kilometers away from
12 Sunset, Castro, Oat, Loop, Rasnow, Hollywood, Johnstone I,
13 Johnstone II, Monte Nido.

14 Q And, from Wilson?

15 A That, too, but it's probably duplicated on the
16 first page.

17 Q Okay, my apology.

18 A Yeah, Wilson and Lukens were mentioned on the
19 first one.

20 Q Thank you.

21 A Sunset is less than 64 kilometers away from
22 Sierra, Loop, Hollywood, Santiago, Heaps, Palvika, Johnstone
23 I and Johnstone II.

24 Castro is less than 64 kilometers away from Oat,
25 Loop, South, Rasnow, Hollywood, Monte Nido.

1 Oat is less than 64 kilometers away from Loop,
2 South, Rasnow, Hollywood and Monte Nido.

3 Sierra is less than 64 kilometers away from
4 Santiago, Heaps, Palvika, Johnstone I and Johnstone II.

5 Loop is less than 64 kilometers away from -- what
6 is the exact number again, 64 point --

7 Q Four.

8 A Hollywood, Johnstone I and Johnstone II, Monte
9 Nido. South is less than 64 kilometers away from Rasnow,
10 Hollywood and Monte Nido. Rasnow is less than 64 kilometers
11 away from Hollywood and Monte Nido.

12 Hollywood is less than 64 kilometers away from
13 Johnstone I and Johnstone II and Monte Nido.

14 Santiago is less than 64 kilometers away from
15 Palvika and Johnstone I and Johnstone II.

16 Snow is less than 64 kilometers away from Heaps
17 and Palvika.

18 Heaps is less than 64 kilometers away from
19 Palvika, Johnstone I and Johnstone II. Palvika is less than
20 64 kilometers away from Johnstone I and Johnstone II and
21 Johnstone I and Johnstone II are less than 64 kilometers
22 away from each other.

23 Q Okay, just so the record is clear, the way you did
24 your calculation, if I understand it, when you say at the
25 end, Johnstone I is less than Johnstone II, you're not just

1 repeating the earlier ones, am I right?

2 MR. SHAINIS: Objection, leading the witness.

3 CHIEF JUDGE CHACHKIN: Well, I'll overrule that
4 objection, since it clarifies the matter.

5 THE WITNESS: Yes, the information in this would
6 give you the distance -- relative distance -- from one
7 mountain top to another.

8 BY MR. KNOWLES-KELLETT:

9 Q Okay, but you did it in descending order. If you
10 had already calculated the distance between Lukens and
11 Johnstone, you didn't do it a second time?

12 A Right, like the distance from Lukens to Wilson is
13 the same thing as the distance from Wilson to Lukens.

14 (Pause.)

15 MR. KNOWLES-KELLETT: Your witness.

16 MR. KELLER: Your Honor, could we take just a five
17 minute break?

18 CHIEF JUDGE CHACHKIN: We'll take a five minute
19 break.

20 MR. KELLER: Thank you.

21 (Whereupon, a short recess was taken.)

22 CROSS-EXAMINATION

23 BY MR. KELLER:

24 Q Okay, first of all, Mr. Oei, you testified that
25 it's typical for a new engineer to sort of go out on

1 inspections with more seasoned engineers to get some
2 training for awhile, is that correct?

3 A Yes.

4 Q How long would you say that period of time lasts?
5 I mean, can you quantify that in terms of time?

6 A Well, we don't do inspections everyday, so even if
7 you go out after a year, that may mean you've only been out
8 a handful of times.

9 Q So, if you could estimate, based on your
10 experience, over the course of, say, a two-year period, how
11 many inspections would you go out on?

12 A Just on land mobile inspections?

13 Q No, let's do overall and then we'll come back and
14 see how many of those are land mobile?

15 A Tens, maybe 100.

16 Q Pardon me?

17 A Maybe 100.

18 Q One hundred inspections over a two-year period?
19 And, how many of those would be land mobile related, Part
20 90?

21 A Over two years, I would say -- maybe 20 percent.

22 Q Now, when you went on the inspection of Mr. Kay's
23 premises in 1992, I believe it was May of 1992, is that
24 correct?

25 A May.

1 Q Pardon me?

2 A May.

3 Q How many land mobile inspections had you been out
4 on at that time?

5 A I'm going to have to guess on that.

6 Q Well, what's your best estimate?

7 A Ten, 20.

8 Q You were not the primary one in charge of that
9 inspection, is that correct?

10 A That's correct.

11 Q Okay, and do you remember the name of the
12 gentleman who was conducting the inspection?

13 A Yes.

14 Q What was his name?

15 A Ben Nakamiyo.

16 CHIEF JUDGE CHACHKIN: What? Could you spell
17 that?

18 THE WITNESS: N-A-K-A-M-I-Y-O.

19 CHIEF JUDGE CHACHKIN: Go ahead.

20 BY MR. KELLER:

21 Q Would you considered your trip along on this
22 inspection as part of the training process?

23 A Yes.

24 Q And, it's a fair characterization to say, then,
25 that you're more experienced at Part 90 inspections today

1 than you were in 1992, is that correct?

2 A Yes.

3 Q Now, Mr. Oei, you testified that you saw Mr. Kay
4 remove a cable or something from the equipment that you
5 inspected in 1992. Would you describe that again to me?

6 A I reviewed the file for that case, and based on
7 what I read, that's what occurred.

8 Q Who prepared that file?

9 A Those are notes written by Mr. Nakamiyo.

10 Q Did you personally observe Mr. Kay remove this
11 cable?

12 A I did not recollect that.

13 Q Do you have any specific recollection about this
14 particular inspection?

15 A Yes.

16 Q Not referring to notes, but since you were
17 physically there, what do you recall of your own personal
18 recollection regarding the inspection of Mr. Kay's office in
19 May of 1992?

20 A I remember Ben and I, we went over to Mr. Kay's
21 office. We used direction finding to confirm that there was
22 a radio signal being rebroadcasted from his office. I
23 remember going into the office, requesting an inspection.
24 And, seeing the radio, making power and frequency
25 measurements, filling --

1 Q You did --

2 CHIEF JUDGE CHACHKIN: Well, let the witness
3 respond.

4 BY MR. KELLER:

5 Q I'm sorry.

6 A Filling out an inspection sheet.

7 Q So, you saw the radio itself?

8 A Yes.

9 Q You did not see Mr. Kay disconnect the cable you
10 saw? You don't recall that, correct?

11 A I don't recall.

12 Q Did you make the power measurements or did you
13 observe Mr. Nakamiyo make them?

14 A I wrote the information down, but I don't know for
15 sure whether I made the measurements or Mr. Nakamiyo did.

16 Q Isn't it correct that in order to make the power
17 measurements, that Mr. Kay or someone there had to connect a
18 microphone to the radio and key the microphone for you to
19 make those power measurements?

20 A Yes.

21 Q Now, you say that you confirmed or you verified
22 that the signal was being rebroadcast from Mr. Kay's
23 premises. How did you make that determination?

24 A We used a scanner in the car, listen in on one
25 frequency, and then on another, received on another

1 frequency, and noticed that the two signals on different
2 frequencies were the same.

3 Q Back to your description of repeaters. It's true
4 that repeaters work on channel pairs, correct?

5 A Correct.

6 Q So, there's one part of the channel is
7 transmissions from the mobile or control stations to the
8 base, and the other part of the channel pair is a separate
9 frequency on which the base rebroadcasts?

10 A That's true.

11 Q So, am I understanding you to say that what you
12 observed in these measurements and in this monitoring was,
13 you, with direction-finding equipment, determined that a
14 signal was coming from a station on Mr. Kay's premises on
15 the input frequency?

16 A That's right.

17 Q So, you heard that same signal being rebroadcast
18 off the repeater?

19 A Off of some unknown transmitter.

20 Q You had direction-finding equipment. You did not
21 determine what transmitter it was coming from?

22 A I recall using direction-finding to determine that
23 the signal, I believe, was on 809, was coming from the
24 office. I don't recall whether or not we used direction-
25 finding to determine where the 854 frequency was coming

1 from.

2 Q So the record is clear, the 809 -- first of all,
3 do you know -- if I tell you that the frequencies in
4 question were 809.4875 MHz and 854.4875 MHz, does that
5 refresh your recollection? Is that correct?

6 A I recall those frequencies after reviewing.

7 Q Understand. Now, the 809 is what I've been
8 referring to as the input frequency, correct?

9 A Correct.

10 Q And, that's the frequency you determined was
11 emanating from Mr. Kay's premises, correct?

12 A That's right.

13 Q Now, the 854 portion of that frequency, 854.4875,
14 in which you heard the signals being rebroadcast, you did
15 not determine what repeater those were being rebroadcast
16 from?

17 A I don't recall doing it. I don't recall if Mr.
18 Nakamiyo had informed me about it.

19 Q Isn't it true, based on knowledge you had either
20 then or knowledge that you've since gained, that Mr. Kay is
21 authorized for a repeater operating under a trunk license on
22 854.4875 MHz at Oat Mountain?

23 A I think that's possible.

24 Q And, do you know, you can refer to the notes you
25 were just looking at if you need to for this, but do you

1 know the distance between Oat Mountain and Mr. Kay's office,
2 either based on your notes or based on your general
3 knowledge of geography of the Los Angeles area?

4 A I'd say Oat Mountain and his office is within an
5 hour's drive.

6 Q Isn't it true that Mr. Kay's office is within a
7 20-mile radius of Oat Mountain?

8 A Let me check -- 15.89 kilometers.

9 Q Pardon me?

10 A 15.89 kilometers.

11 Q Now, what were you referring to to determine that?

12 A That -- the notes that I had previously.

13 CHIEF JUDGE CHACHKIN: What page?

14 THE WITNESS: The one that says Calculations for
15 Five.

16 BY MR. KELLER:

17 Q All right, 15.89 kilometers, I see. What does
18 that translate into in miles, if you know?

19 A Multiply that by .6.

20 Q Okay, so less than 10 miles?

21 A Yes.

22 Q When you did the inspection or when you
23 accompanied Mr. Nakamiyo on inspection, was Mr. Kay asked
24 to produce some authorization for this control station?

25 A Mr. Kay asked us?

1 Q Was Mr. Kay asked by either yourself or Mr.
2 Nakamiyo to produce an authorization for the control
3 station?

4 A I don't' recall. I would assume so, since we
5 wrote down the information on the inspection report.

6 Q I'm sorry, repeat your answer. I didn't hear it.

7 A If we fill out an inspection report, there is a
8 space to ask for the call sign.

9 (Pause.)

10 Q I'd like to show the witness a document that's not
11 in the record. I apologize, I don't have copies of it.
12 Your Honor, may I approach the witness?

13 CHIEF JUDGE CHACHKIN: Yes.

14 MR. KELLER: I will later get some copies of this.
15 I apologize. This is just a copy and I'll ask a few
16 questions. Just this sheet.

17 BY MR. KELLER:

18 Q Could I ask you, and I need to point a couple of
19 things out to you, could you take just a moment to review
20 that document? Well, first of all, describe to me what that
21 is?

22 A This is a radio station license issued by the FCC
23 to Buddy Corp., doing business as Southland Communications.

24 Q If I told you this was a control station
25 authorization, is that correct?

1 A Yes.

2 Q Does it authorize the control station to be
3 operating on Mr. Kay's premises at Cabrito Road?

4 A Yes.

5 Q And, it authorizes transmissions within the mobile
6 frequency range of 806? So, in other words, in this case,
7 it does authorize transmissions on 806.4875 MHz?

8 A You would have to take a look at the call signs on
9 the bottom there.

10 Q All right, I was going to thank you for pointing
11 that out. Would you tell me what the other calls signs are?
12 Read that line on the authorization?

13 A SMRS, WNMV 402 and WNJN 910.

14 Q So, those two call signs, is it not true, those
15 two call signs represent the SMR stations that this
16 authorization was allowed to control?

17 A Yes.

18 Q And, therefore, if the 854 portion of the
19 frequency were authorized at those base stations, then this
20 authorization would authorize control transmissions on the
21 806 part of the frequency, correct?

22 A The 809?

23 Q Is it 809? I'm sorry.

24 A Yes.

25 Q So, in other words, they would authorize

1 transmissions on the mobile half, the input half of the
2 frequency?

3 A Yes.

4 Q What does FX mean? I see on this authorization,
5 there's a line that says FX. What does FX indicate?

6 A FX 1 is a control point.

7 Q Why do they use the abbreviation FX, if you know?

8 A I'm not sure what FX is.

9 Q If I told you that they used the abbreviation FX
10 because it's a fixed station as opposed to a mobile station,
11 does that sound --

12 A That would make sense.

13 MR. KELLER: All right, one more document. Your
14 Honor, I'll state that on the record, we offer to stipulate
15 that Mr. Kay's authorization for WNJN 910, an SMR station
16 located at Oat Mountain, is authorized for the base station
17 frequency of 854.4875 MHz, is that correct, and was so
18 authorized in 1992.

19 MR. KNOWLES-KELLETT: We have no reason to
20 question that.

21 CHIEF JUDGE CHACHKIN: The stipulation is
22 accepted.

23 MR. KELLER: And, so we're clear (inaudible.)

24 BY MR. KELLER:

25 Q Mr. Oei, what is the distance between Oat Mountain

1 and Santiago?

2 A Let me look at my notes -- 118.62 kilometers.

3 Q That is more than 70 miles, is that correct?

4 A I'll do the calculation.

5 Q Okay, you divide by .6, is that --

6 A Multiply by .6.

7 Q Multiply by .6. I think it's 72 some odd miles.

8 I think the Judge can take official notice when the time
9 comes for the mathematical calculations. What was the
10 source of the complaint that prompted the investigation in
11 1992?

12 A My personal knowledge or what I read in the file?

13 Q Either? Well, first of all, of your personal
14 knowledge? Do you know --

15 A I did not know who made the complaint when I
16 accompanied Ben.

17 Q Did you later come to learn who made the
18 complaint?

19 A After reading the file.

20 Q And, who was that?

21 A Jim Doering.

22 Q Isn't it correct that Mr. Doering was complaining
23 about interference to a facility that he operated on 854.487
24 MHz at Santiago?

25 A Yes.

1 Q That was a conventional station?

2 A I believe so.

3 MR. KELLER: Will the Bureau also stipulate that
4 the authorization for WNJN 910 is a YX authorization?

5 MR. KNOWLES-KELLETT: Yes.

6 CHIEF JUDGE CHACHKIN: It is so stipulated.

7 BY MR. KELLER:

8 Q Mr. Oei, are you familiar with equipment used in
9 the land mobile industry that -- are you familiar with
10 equipment available in the land mobile industry that Part 90
11 licensee numbers would allow the linking of different
12 repeaters?

13 A I don't have much experience in that.

14 Q You have no familiarity with that? Are you aware
15 that land mobile --

16 MR. KNOWLES-KELLETT: What linking are you --

17 MR. KELLER: Well, I'm going to try to clarify the
18 question.

19 BY MR. KELLER:

20 Q Isn't it true that land mobile operators have
21 sometimes linked repeaters for different mountain tops, in
22 order to expand coverage?

23 A When you say linked, you mean control one versus
24 the other?

25 Q Well, first I'll ask you what your knowledge is.